

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

ARY Jewelers, LLC,

Plaintiff,

V.

IBJTC Business Credit Corporation and David Molinario,

Defendants.

Civil Action No. 04-10281-EFH

## REPLY AFFIDAVIT OF KATE CIMINI

I, KATE CIMINI, hereby affirm as follows:

1. I am an attorney at the law firm of Ropes & Gray LLP, counsel to defendants in this action. I submit this affidavit solely to put before the Court the documents attached hereto.
2. Attached hereto as Exhibit 1 is a true and correct copy of a portion of the deposition transcript of David Molinario, taken on December 1, 2004.
3. Attached hereto as Exhibit 2 is a true and correct copy of a portion of the deposition transcript of Abdul Razzak, taken on May 10, 2005.
4. Attached hereto as Exhibit 3 is a true and correct copy of a portion of the deposition transcript of Thomas Morgan, taken on June 15, 2005.
5. Attached hereto as Exhibit 4 is a true and correct copy of a portion of the deposition transcript of Francis D. O'Connor, taken on May 12, 2005.
6. Attached hereto as Exhibit 5 is a true and correct copy of a portion of the deposition transcript of Brian Kennedy, taken on June 16, 2005.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 29<sup>th</sup> DAY OF  
SEPTEMBER, 2005.

/s/ Kate Cimini

Kate Cimini